

DAC | 1641 \$

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
1038-384 MIS

In Re Application Of: Sonia E. Sanhueza et al



Serial No.  
08/286,189

Filing Date  
August 5, 1994

Examiner  
J. Parkin

Group Art Unit  
1641

Title: INACTIVATED RESPIRATORY SYNCYTIAL VIRAL VACCINES

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PTENT ABANDONED UNAVOIDABLY UNDER 37  
CFR 1.137(a)**

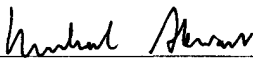
in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$110.00** is attached.
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Dated: March 6, 2001

Michael I. Stewart - Reg. No. 24,973  
Sim & McBurney  
6th Floor  
330 University Avenue  
Toronto, Ontario  
Canada, M5G 1R7

I certify that this document and fee is being deposited  
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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional) 1038-384 MIS
		
First named inventor: Sonia E. Sanhueza et al	Group Art Unit: 1641	
Application Number: 08/286,189	Examiner: J. Parkin	
Filed: August 5, 1994		
Title: INACTIVATED RESPIRATORY SYNCYTIAL VIRAL VACCINES		
Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay		
1. Petition fee <input type="checkbox"/> small entity - fee \$ _____ (37 CFR 1.17(l)). <input type="checkbox"/> small entity statement enclosed herewith. <input type="checkbox"/> small entity statement previously filed. <input checked="" type="checkbox"/> other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).		<b>RECEIVED</b>  <b>MAR 12 2001</b>  <b>OFFICE OF PETITIONS</b>
2. Reply and/or fee  A. The reply and/or fee to the above-noted Office action in the form of _____ a Notice of Appeal (identify the type of reply): <input checked="" type="checkbox"/> has been filed previously on December 20, 2000. <input type="checkbox"/> is enclosed herewith.  B. The issue fee of \$ _____ <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

03/09/2001 00000010 08286189 11030 DP

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

March 6, 2001

Date

Michael I. Stewart

Signature

Telephone

Number: ( 416 ) 595-1155

Michael I. Stewart - Reg. No. 24,973

Typed or printed name

Sim & McBurney, 330 University Avenue, 6th Floor,

Address

Toronto, Ontario, Canada, M5G 1R7.

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Small Entity Status Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

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**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

March 6, 2001  
Date

  
Signature

Michael I. Stewart - Reg. No. 24,973  
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The Notice of Appeal responsive to the Office Action was placed with DHL Courier on December 20, 2000. In our experience, items consigned to DHL Courier are delivered the next working day at the PTO.

However, this correspondence was not delivered to the PTO until a day later, i.e., outside the time frame permitted for the Amendment.

The abandonment was unavoidable. We rely on DHL to deliver the next working day to the PTO. An enquiry of DHL as to why this shipment was delayed has not elicited any response.

It is submitted that the application ought to be revived.

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*(Please attach additional sheets if additional space is necessary)*